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General and complete disarmament

Conventional arms control at the regional and subregional levels

Report of the Secretary-General

Addendum*

Contents

		Page
II.	Replies received from Member States	2
	Azerbaijan	2

* The information contained in the present report was received after the issuance of the main report.

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II. Replies received from Member States

Azerbaijan

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General

Conventional arms control regimes remain major instruments for ensuring military stability, predictability and transparency. Azerbaijan underlines the utmost importance of the implementation by the States Members of the United Nations of their respective obligations on conventional arms control adopted at the regional and subregional levels.

Azerbaijan signed the Tashkent Agreement on the Principles and Procedures for the Implementation of the Treaty on Conventional Armed Forces in Europe (CFE Treaty) in 1992 and the Adapted CFE Treaty in 1999. Although the Tashkent Agreement has not been ratified by Azerbaijan and thus does not constitute a legally binding obligation, Azerbaijan has been voluntarily applying and observing all the provisions of the CFE Treaty. Under the CFE Treaty and the Vienna Document 2011 on Confidence- and Security-Building Measures, Azerbaijan demonstrates its commitment to transparency measures by participating in regular information and notification exchanges and receiving inspections.

In the light of the ongoing discussions on the future of the conventional arms control regime in Europe, any future mechanism must, inter alia, be based on the CFE Treaty and Adapted CFE Treaty provisions; provide for accountability and control by its State party with regard to all conventional armaments and equipment limited by a new mechanism within its area of application; provide for the presence, within its area of application, of military forces of one State party on the internationally recognized territory of another in conformity with international law and the explicit consent of the host State party; reconsider the ceilings of conventional armaments and equipment allowed by the CFE Treaty regime so that the total better reflects the current security conditions and objective criteria in the Treaty applications zone and actual Treaty-limited equipment holdings, as appropriate; and be applied only in peacetime.

Violation of the Treaty on Conventional Armed Forces in Europe by Armenia

As a complex politico-military arrangement, any conventional arms control regime can be truly effective provided that there is a high degree of commitment by its parties to peace and, most important, scrupulous observation by them of the norms and principles of international law, which constitute a basic foundation of any arms control regime.

The major obstacle to the full implementation of the CFE Treaty in the South Caucasus region is the continuing illegal occupation by Armenia of the territories of Azerbaijan. The fundamental principle of the CFE Treaty is the obligation of its States parties under international law "to refrain in their mutual relations, as well as in their international relations in general, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes and principles of the Charter of the United Nations".

Armenia flagrantly violated that international legal obligation by using military force to occupy the territory of Azerbaijan, carry out ethnic cleansing there and establish on the occupied territory the ethnically constructed subordinate separatist entity. It has been internationally recognized, including by the General Assembly and the Security Council, that the Daghlyq Garabagh (Nagorno-Karabakh) region and seven surrounding districts of Azerbaijan are under Armenian military occupation.

Another fundamental principle of the CFE Treaty which Armenia blatantly violates is the "host nation consent" defined by article IV (5) of the Treaty, providing that no State party can station conventional armed forces on the territory of another State party without the agreement of that State party. Indeed, Armenia continues building up its military presence in the occupied territories of Azerbaijan. In violation of its CFE Treaty obligations, Armenia has deployed in the occupied territories of Azerbaijan more than 40 well-equipped combat units with up to 350 battle tanks, 398 armoured combat vehicles, 425 artillery systems (calibre 100 mm and above) and about 45,000 military personnel. However, Armenia officially declares its national holdings as only 110 battle tanks, 140 armoured combat vehicles, 239 artillery systems (calibre 100 mm and above) and 46,804 military personnel. Over the past three years, Armenia has acquired but not declared 21 battle tanks, 61 armoured combat vehicles and 54 artillery systems. The cumulative number of the declared and undeclared Treaty-limited items of equipment of Armenia is 481 battle tanks, 599 armoured combat vehicles and 718 artillery systems, as well as 91,804 military personnel.

The total number of declared and undeclared Treaty-limited equipment and military personnel of Armenia give a clear picture of the extent to which that country has exceeded its allowed limit under the CFE Treaty. Thus, in accordance with the Tashkent Agreement of 1992, Armenia is allowed to hold only 220 battle tanks, 220 armoured combat vehicles and 285 artillery systems, whereas under the Concluding Act of the Negotiation on Personnel Strength of Conventional Forces in Europe, Armenian armed forces can have only up to 60,000 personnel.

Armenia can easily move accounted for and registered military equipment from its territory to the occupied territories of Azerbaijan without any disclosure that has to be made in accordance with the CFE Treaty and in the context of United Nations transparency measures in respect of armaments. Thus, for example, the weaponry displayed at the military parade held on 9 May 2012 in the city of Khankendi, situated in the occupied Daghlyq Garabagh region of Azerbaijan, indicates that Armenia is in breach of its obligations as an end-user under arms import operations, including, in particular, by exporting or transferring procured armaments without the agreement of the exporting States, and not reporting these operations under the existing information exchange mechanism of the Organization for Security and Cooperation in Europe (OSCE). The facts presented in documents A/66/808-S/2012/330 and A/66/829-S/2012/427 once again confirm Armenia's apparent disregard of its obligations under international law, as well as its respective commitments under the existing arms control regimes to which it is a party.

The continued occupation by Armenia of the territories of Azerbaijan, the former's militaristic policy and the regular ceasefire violations committed by its armed forces, including attacks on both military and civilian objects in Azerbaijan, and the undisguised promotion by the leadership of Armenia of the odious ideas of

ethnic and religious hatred and intolerance pose a serious threat to regional and international peace, security and stability and require the constant attention and reaction of the United Nations and the broader international community.

The conclusion to be drawn from the above-mentioned facts is that Armenia's policy of occupation in total disregard of international law, including the purposes and principles of the Charter of the United Nations, remains a major hurdle for the normal operation of the CFE Treaty in the South Caucasus region. Therefore, it is incumbent on Armenia to immediately withdraw its armed forces from the Daghlyq Garabagh region and other occupied territories of Azerbaijan, to constructively engage in the negotiations on a peaceful settlement of the conflict and to respect the territorial integrity and inviolability of the internationally recognized borders of the neighbouring countries, thus paving the way for the achievement of lasting peace, security and stability and the establishment of a genuine arms control regime in the region.

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Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control

Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control

Report of the Secretary-General

Addendum**

Contents

		Page
II.	Replies received from Governments	2
	Spain	2

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II. Replies received from Governments

Spain

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Spanish society is very sensitive to the potential environmental impact of any industrial activity, and this is an important consideration in the implementation of disarmament and arms limitation agreements. In Spain, the environmental norms of the European Union, which have been incorporated into Spanish law and are consequently binding, serve as the benchmark for environmental management.

Below is a description of the procedures Spain follows for the destruction of weapons and ammunition in implementation of the main disarmament and arms limitation agreements to which it is a party.

Destruction of anti-personnel mines: *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction (Mine Ban Treaty)*

The 1997 Mine Ban Treaty requires the destruction of national stockpiles not later than four and a half years after the deposit of the instrument of ratification.

Spain, by Act No. 33/1998, of 5 October 1998, on the total prohibition of anti-personnel mines and weapons with similar effects (Official Gazette No. 239 of 6 October 1998), undertook to destroy its arsenal of anti-personnel mines before 7 October 2001. The destruction process, however, was completed 12 months earlier, on 3 October 2000, over two years in advance of the deadline established in article 4 of the Convention.

The destruction of the anti-personnel mines was carried out by the Spanish company Fabricaciones Extremeñas (FAEX), which guaranteed maximum security and zero environmental impact, in conformity with the ISO-14000 standard and Council of the European Union Directive 94/67/EC, on the incineration of hazardous waste.

In all, 849,365 mines were destroyed in a record period of 28 months, at the rate of 1,200 a day. The total cost of the operation was €3,228,000, and thus the unit cost amounted only to €3.8.

The process began with the dismantling of the mines and the separation of the explosive charge from the casing and the rest of the components. The explosive was then incinerated in a 450-degree furnace. The resulting gases then passed through a treatment line in which the heavy metals were separated out and later collected by waste management companies. The end gases were subjected to catalytic oxidation that converted carbon monoxide into carbon dioxide, thus rendering them harmless to the environment. As evidence of the destruction of these mines, the membrane of each mine with the identification number and date of destruction was retained.

Destruction of conventional weapons: *Treaty on Conventional Armed Forces in Europe*

The Treaty, which entered into force in 1992, imposed limits on stockpiles in five categories of conventional weapons, and required stockpile reductions. In the

case of Spain, this meant disposing of 371 battle tanks and 87 artillery pieces, a process it completed on 16 November 1995.

Since that date, further reductions have been made in order to offset the entry into service of new materiel and ensure that the limits laid down in the five categories of weapons are not exceeded. Furthermore, Spain has embarked on a reduction of its stockpiles that goes beyond the obligations imposed by the Treaty.

Article VIII of the Treaty sets out the options for reducing each category of armaments subject to limitation: it allows for their conversion to non-military purposes, placement on static display, or use for ground instructional purposes or as ground targets, but the commonest method is destruction.

The destruction process is regulated in the Protocol on Procedures Governing the Reduction of Conventional Armaments and Equipment Limited by the Treaty on Conventional Armed Forces in Europe, which establishes the various ways in which a weapon may be rendered unusable. The Protocol does not, however, impose any environmental stipulations; on the contrary, it states that "each State Party shall have the right to use any technological means it deems appropriate".

In the case of Spain, reduction has been contracted out to private firms which, from an environmental standpoint, are subject to the general laws of the State and the specific laws of the autonomous communities in which the reduction takes place.

The process is as follows:

- As a preliminary step, usable components not subject to compulsory reduction under the Treaty are removed from the weapon along with any remaining ammunition. This step is carried out by military units themselves;
- Next, responsibility is transferred to the reduction firm, which must first remove any remaining contaminants, namely, combustible liquids or gases, lubricants or coolants, electric batteries and lighting fixtures; also, closed-cycle soot residues are washed out, with the wastewater decanted. All these contaminants are channelled into the national system for the collection of hazardous substances, regulations governing which meet the general criteria established by the European Union;
- Lastly, the metallic parts are rendered unusable by one of the following procedures: cutting, deformation or crushing. Spain has rejected the explosive demolition method, precisely because of the impact on the environment. The metal remnants are used as scrap by the private firms involved, which keep them in partial payment for their services and send them to blast furnaces to be melted down.

Destruction of small arms and light weapons: *Organization for Security and Cooperation in Europe (OSCE) Document on Small Arms and Light Weapons*

Section IV (C) 2 of the OSCE Document on Small Arms and Light Weapons provides that "destruction will generally be used to dispose of illicitly trafficked weapons seized by national authorities, once the legal due process is complete".

The same criterion applies by extension to arms seized by Spanish troops taking part in peacekeeping operations. Whenever the number of arms seized is limited — which happens more often as a crisis abates — and the storage of the

arms is precarious because the necessary security cannot always be guaranteed, they are rapidly destroyed as stipulated in Spain's Arms Regulations. In the case of pistols or rifles, holes are drilled in the barrel and the essential components of the receiver. In the case of grenade launchers and flame-throwers, crushing is used if access to a plant equipped with a hydraulic press is possible; otherwise, they are cut up with a blowtorch. A list of the destroyed arms is compiled under the supervision of the chief of the unit and a report is submitted to the officials of the international organization heading the mission. In addition, seized arms have on occasion been destroyed in public ceremonies in the presence of witnesses and the local media.

The OSCE Document on Small Arms and Light Weapons further provides in section IV (C) 1 that "any small arms identified as surplus to a national requirement should, by preference, be destroyed". In such cases, because there is usually a large number of weapons, they are appropriately stored. Armament reduction programmes are then established which, once funded, are taken over by manufacturing installations managed by the logistical services of the Ministry of Defence or contracted out to private companies listed by the Ministry. The technique ordinarily used is crushing and/or cutting with mechanical or hydraulic shears, these being considered the least contaminating methods. Alternatively, exceptionally rigid components are cut up using an oxyacetylene torch. In all cases, it is ensured that the weapon and all essential and auxiliary components are rendered unusable. Until it is officially certified that a weapon has been destroyed, the parts bearing the identification number are kept. The weapon is stricken from the inventory once an expressly designated board of officers has drawn up a certificate of destruction. Once the weapon has been destroyed, the metallic parts are separated from the rest, consisting of wood, plastics, Bakelite, glass, etc. Once the various components have been separated, the metal scrap is sent to foundries while the other residues are channelled into the national waste treatment system.

Destruction of fragmentation weapons: *Convention on Cluster Munitions*

The Convention, signed at Oslo on 3 December 2008, requires the destruction of national stocks of cluster munitions within eight years of entry into force. However, Spain has already destroyed all such munitions supplied to its armed forces, with the exception of those retained for development and training, in accordance with article 3, paragraph 6, of the Convention.

The destruction of all types of cluster munitions equipping the Spanish armed forces was carried out by the Spanish company Fabricaciones Extremeñas, which guaranteed maximum security and zero environmental impact, in conformity with the ISO-14001:2004 standard and with Council Directive 94/67/EC, on the incineration of hazardous wastes.

Between December 2008 and March 2009, a total of 1,950 ESPIN-21 mortar rounds, 1,825 MAT-120 mortar rounds, 575 CBU-100 and CBU-99B air-dropped bombs and 385 BME-330 B/AP air-dropped bombs were destroyed. The total cost of the operation was €4,911,357.45, with the unit cost varying, according to the type of munition, from €500 for the simplest to €6,000 in the case of BME-330 B/AP bombs.

The industrial process followed began with the dismantling of the bombs and the separation of the various components. Inert components (ferrous and non-ferrous metals, plastics and textiles) were separated out and recycled using the national

waste treatment system. Active components were incinerated in an adiabatic furnace, and the resulting gases passed through a treatment line in which the heavy metals were separated out for later collection by waste management companies. The end gases were subjected to catalytic oxidation that converted carbon monoxide into carbon dioxide, innocuous to the environment. As evidence of the destruction, a characteristic component of the cluster bomb, such as the parachute or the stabilizing fin, depending on the type of bomb, was retained.

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General and complete disarmament

Promotion of multilateralism in the area of disarmament and non-proliferation

Report of the Secretary-General

Addendum**

Contents

		Page
II.	Replies received from Governments	2
	Mexico	2

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II. Replies received from Governments

Mexico

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Mexico's foreign policy is noted for its firm commitment to multilateralism and its constructive role in the promotion of global solutions to common problems that will guarantee international stability, progress and peace for the benefit of all the peoples of the world. Convinced that international cooperation is essential in the quest for solutions to global issues, the Government of Mexico continues to forge strong multilateral ties through its participation in international forums and, aware of the positive impact of multilateralism on domestic affairs, to seek due implementation of international policies that will lead to tangible benefits.

As an active promoter of strengthened multilateralism with regard to disarmament and non-proliferation, Mexico remains committed to its pacifist vocation and determined to promote this cause on the basis of the principles of the maintenance of international peace and security. It is the view of Mexico that total nuclear disarmament and prevention of the proliferation of nuclear weapons are the only means of guaranteeing that such weapons will not be used; consequently, the international community must redouble its efforts to ensure that the nuclear-weapon States and the countries that are not parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the keystone of the international non-proliferation and disarmament regime, adopt the necessary measures for the speedy, final and total elimination of such weapons.

The entry into force of the Comprehensive Nuclear-Test-Ban Treaty, which remains a major unresolved issue, must be secured as a matter of urgency. In this regard, Mexico, as Co-Chair of the seventh Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, held in New York on 23 September 2011, reiterated its position on the elimination of nuclear weapons and the strengthening of the nuclear non-proliferation regime, considering that these two complementary measures are necessary to respond to international security concerns.

Once again, it is necessary to reaffirm the unconditional validity of multilateral diplomacy with regard to disarmament and non-proliferation and our determination to continue promoting multilateralism as the underlying principle in negotiations on this question, with, for Mexico, the following priorities:

(a) Progress in negotiations on a treaty to prohibit the production of fissionable material;

(b) Entry into force of the Comprehensive Nuclear-Test-Ban Treaty;

(c) The central role of the International Atomic Energy Agency regarding verification of compliance by States with their nuclear non-proliferation commitments;

(d) The contribution of nuclear-weapon-free zones to the strengthening of the disarmament and non-proliferation regime.